

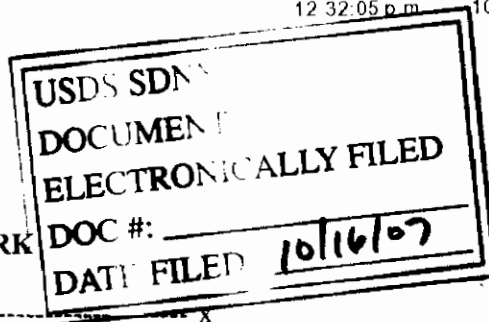
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GARTH KAHL, et al.,

Plaintiffs,

-versus-

(RJS)
05 CV 9885 (RMK) (JCF)

THE CITY OF NEW YORK, et al.

Defendants.
----- X

STIPULATION OF SETTLEMENT AND DISMISSAL

WHEREAS, plaintiffs Garth Kahl and Mikal Jakubal ("Plaintiffs") commenced this action by serving a summons and complaint alleging, among other things, violations of Plaintiffs' civil rights pursuant to 42 U.S.C. §1983; and

WHEREAS, defendants The City of New York, Eric Rivera and Does, individually and in their official capacities ("Defendants"), deny the alleged wrongdoing; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This action is dismissed with prejudice and without costs, expenses, or fees except as provided in paragraph "2" below.
2. The City of New York hereby agrees to pay to Garth Kahl and Mikal Jakubal the sum of Ten Thousand Dollars (\$10,000.00) each, in full satisfaction of each Plaintiff's claims against all of the Defendants, including claims for costs, expenses, attorney fees and interest.

3. In consideration for this payment, each Plaintiff agrees that all of his or her claims against all Defendants including The City of New York, Eric Rivera and Does, individually and in their official capacities, are hereby dismissed with prejudice.

4. Each Plaintiff further agrees that all Defendants, all "Doe" defendants, all present and former employees, agents and contractors of the City of New York, and all agencies and departments thereof, including the New York City Police Department and the New York City Department of Correction; the New York City Health and Hospitals Corporation and the New York County District Attorney's office; and the Hudson River Park Trust; and all of their present and former employees, agents and contractors; and their successors and assigns; are hereby released from any and all liability, claims, or rights of action arising from or related to the incidents alleged in the complaint(s) in this action, including claims for costs, expenses, attorney fees and interest.

5. Each Plaintiff shall execute and deliver to the City all documents necessary to effect this settlement including, without limitation, a General Release based on the terms of paragraphs "2" – "4" above and an Affidavit of No Liens.

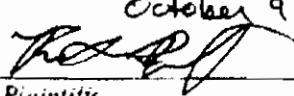
6. Nothing contained herein shall be deemed to be an admission by any of the Defendants, the New York City Health and Hospitals Corporation, the New York County District Attorney, or the Hudson River Park Trust that any of them has violated any Plaintiff's rights, or the rights of any other person or entity.

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York City Police Department, the New York City Department of Corrections, the New York County District Attorney's Office or the Hudson River Park Trust.

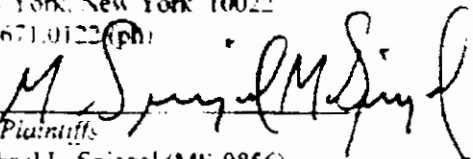
8. This stipulation shall not be admissible in, nor is it related to, any other litigation nor any other settlement negotiations.

9. This stipulation contains all of the terms and conditions agreed upon by the parties, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this stipulation shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated New York, New York
September 9, 2007
October 9


For Plaintiffs

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For Plaintiffs

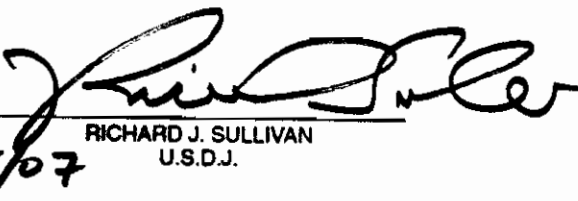
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SO ORDERED

Dated: 10/15/07


RICHARD J. SULLIVAN
U.S.D.J.